रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 22] नई दिल्ली, बुधवार, अगस्त 3, 1983/श्रावण 12, 1905
NO. 22] NEW DELHI, WEDNESDAY, AUGUST 3, 1983/SRAVANA 12, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 3rd August, 1983 :—

BILL NO. XIII OF 1983

A Bill further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Railways (Amendment) Act, 1983.

9 of 1890.

Amendment of section 82A.

2. In section 82A of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), in sub-section (2), for the words "fifty thousand rupees", the words "rupees one lakh" shall be substituted and shall be deemed to have been substituted with effect from the 4th day of March, 1983.

Amendment of section 82B.

3. In section 82B of the principal Act, after the words "for such local area", the words "or for such accident or accidents" shall be inserted

Amendment of section 82 C.

4. In section 82C of the principal Act, in sub-section (2), the following *Explanation* shall be inserted at the end, namely :—

"*Explanation.*—Where a Claims Commissioner is appointed under section 82B with respect to any particular accident or accidents, the references in this sub-section to the occurrence of the accident shall be construed as references to the date on which the Claims Commissioner so appointed assumes charge of his office".

Validation.

5. Any action or thing taken or done or purported to have been taken or done under the principal Act before the commencement of this Act, shall be deemed to be, and to have always been, as validly and effectively taken or done as if the amendments made in the principal Act by sections 3 and 4 had been in force at all material times.

STATEMENT OF OBJECTS AND REASONS

Under section 82A of the Indian Railways Act, 1890, the maximum liability of the railway administration for loss occasioned by the death of a passenger dying as a result of a railway accident and for personal injury and loss of property is limited to Rs. 50,000 in respect of any one person. Having regard to the increased cost of living and the limits applicable in the case of air-crash victims, this limit is considered to be very low. It is, therefore, proposed to raise this limit to Rs. 1,00,000.

2. Section 82B of the Act, provides for the appointment of Claims Commissioners for inquiring into and determining claims for compensation payable as a result of accidents on the railways. The section provides for the appointment by notification in the Official Gazette, of a Claims Commissioner for such local area as may be specified in the notification. The Railway Accidents (Compensation) Rules, 1950, made under section 82J of the Act, make a distinction between minor accidents and major accidents and provide for the appointment of a standing Claims Commissioner for claims arising out of minor accidents and for the appointment of an *ad hoc* Claims Commissioner for claims arising out of a major accident. A major accident involves a large number of claims and it is necessary, for the expeditious disposal of such claims, to provide for the appointment of an *ad hoc* Claims Commissioner for dealing with such claims. A doubt has been expressed as to whether section 82B of the Act, which envisages the appointment of a Claims Commissioner for a local area, permits the appointment of *ad hoc* Claims Commissioners. Though the practice of appointing *ad hoc* Claims Commissioners has been adopted over a long period of time and has not come up for challenge before courts, in view of the doubts expressed, it is proposed to amend section 82B suitably to spell out expressly the power to appoint Claims Commissioners for particular accidents and also validate appointments of *ad hoc* Claims Commissioners made in the past.

3. Under section 82C(2) of the Act, an application for compensation can be entertained by the Claims Commissioner even if it is not made within the prescribed period of limitation, namely, three months from the date of the occurrence of the accident provided the application is made within one year from the date of the occurrence of the accident. In cases where for unavoidable administrative reasons, there is a delay in appointing an *ad hoc* Claims Commissioner for dealing with claims arising out of major accidents, the benefit available to the claimants under the provision, namely, of making an application within one year from the date of the occurrence of the accident is, according to the period of delay in the appointment of the Claims Commissioner, either completely lost or, as the case may be, curtailed. Though the practice of entertaining claims made even after one year from the date of occurrence of the accident has been adopted in a few cases in which difficulty has a risen, the same is not strictly in accordance with the provisions of section 82C(2) of the Act. It is therefore, proposed to suitably amend this provision to provide for computation of the period of one year from the date on which the *ad hoc* Claims Commissioner assumes charge of his office and make necessary validating provision for regularising action taken in the past on applications received after one year from the date of assumption of office by the Claims Commissioner instead of from the date of the occurrence of the accident in cases of accidents for which *ad hoc* Claims Commissioners have been appointed.

4. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;
he 25th July, 1983.

A. B. A. GHANI KHAN CHOUDHURY.

FINANCIAL MEMORANDUM

Under section 82A of the Indian Railways Act, 1890, the maximum limit of liability of the railway administration in cases of railway accidents is Rs. 50,000 in respect of one person. Clause 2 of the Bill seeks to increase this maximum limit to Rs. 1,00,000. Along with the increase in the maximum limit of compensation, it will be necessary to revise the rates at which compensation is payable. This involves additional expenditure from the Consolidated Fund of India and it is estimated that the expenditure on this account will approximately be rupees one crore per annum.

2. Clause 3 of the Bill seeks to amend section 82B of the Act, so as to empower the Central Government to appoint Claims Commissioners for particular railway accident or accidents in addition to the existing provision for appointment of Claims Commissioners for local areas. This power will be exercised to appoint Claims Commissioners for major accidents resulting in death or serious injury to a number of persons. Appointment of such Commissioners would involve expenditure from the Consolidated Fund of India. On the basis of the expenditure incurred on the appointment of such Claims Commissioners during the last three years, it is estimated that the additional expenditure that is likely to be incurred on the appointment of such Claims Commissioners, their office establishment, contingencies and on the setting up of accidents cells in the railways would be about Rs. 10·15 lakhs per annum.

3. TheBill will not involve any other recurring or non-recurring expenditure.

SUDARSHAN AGARWAL,
Secretary General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1983